

Via Facsimile
(914) 390-4179

December 19, 2019

Honorable Judge Roman
US Fed Courthouse
300 Quarropas St. WP NY 10601

Re: 19-CV-265-(NSR)

Dear Judge Roman:

3200 Nestlewood Avenue
Apt 6

Bronx, NY 10463

Phone: (914) 837-3209

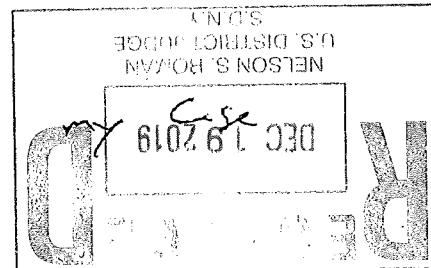
Fax (347) 873-6894

Via
Fax
(2 Pg.)

Docket in case # 19 CV/ER 265

As: P's letter Request for Hearing

Date: 12/19/2020



Am writing requesting a hearing in
as soon as possible.

Despite repeated attempts for a quick and expeditious trial, the State Court and Westchester County have adjourned my case over 13 times in over a year.

The delays represent yet another form of retaliation and disability discrimination against me as a disabled litigant.

Given I was not personally served either order of protection that the DA in Westchester County is maliciously prosecuting me for, the State case is very weak.

I seek audience with you court with my note take for my traumatic brain injury to stop the disability discrimination in state court.

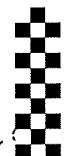
Please help. Thank you.

Mac Fishman


C: Counsel for New Rochelle Ins. Co.
New Rochelle Ins. Co.
Counsel for New Rochelle
Westchester County Legal Dept

P.D.

USDC SDNY	(914) 837-3209
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ELECTRONICALLY FILED	
DOC #:	
DATE FILED: 12/19/2020	



USDC NY
DOCUMENT
ELECTRONICALLY FILED
DOC #: 19-CV-265 (NSR)
DATE FILED: 12/20/2019

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARC H. FISHMAN, Individually and on behalf of
other similarly situated,

Plaintiff,

-against-

CITY OF NEW ROCHELLE; NEW ROCHELLE
POLICE DEPARTMENT; LANE SCHLESINGER;
JOSEPH F. SCHALLER; W. JOSEPH;
WESTCHESTER COUNTY,

Defendants.

NELSON S. ROMÁN, United States District Judge:

Plaintiff,¹ appearing *pro se*, brings this action under Title II of the Americans with Disabilities Act, 42 U.S.C. §§ 12132 *et seq.*, the Rehabilitation Act, 29 U.S.C. §§ 701 *et seq.*, 42 U.S.C. § 1983, and state law. Plaintiff alleges that Defendants detained him in violation of his rights and discriminated against him because of his disabilities. Plaintiff paid the filing fee to bring this action.

STANDARD OF REVIEW

The Court has the authority to dismiss a complaint, even when the plaintiff has paid the filing fee, if it determines that the action is frivolous, *Fitzgerald v. First E. Seventh Tenants Corp.*, 221 F.3d 362, 363-64 (2d Cir. 2000) (*per curiam*) (citing *Pillay v. INS*, 45 F.3d 14, 16-17

¹ This action will proceed with *pro se* Plaintiff Marc Fishman as the sole plaintiff. The statute governing appearances in federal court, 28 U.S.C. § 1654, allows two types of representation: "that by an attorney admitted to the practice of law by a governmental regulatory body, and that by a person representing himself." *Lattanzio v. COMTA*, 481 F.3d 137, 139 (2d Cir. 2007) (quoting *Eagle Assocs. v. Bank of Montreal*, 926 F.2d 1305, 1308 (2d Cir. 1991)). Plaintiff purports to bring this action "on behalf of others similarly situated." (Compl. at 1.) As a non-lawyer, Plaintiff cannot do so.